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## IN A NUTSHELL

### Pointers for Witnesses

- Tell the Truth—A lie may lose the case, and is a crime for which you can be prosecuted. Telling the truth requires that a witness testify accurately about what he/she knows. If you tell the truth accurately, nobody can cross you up.
- Don't Guess—If you don't know, say you don't know. However, repeatedly answering, "I don't remember" or "I don't recall" or some variant will not help.
- Understand the question before you attempt to give an answer. If you don't understand the question, ask the lawyer to repeat it.
- Take Your Time—Give the question such thought as it requires to understand it.
- Answer the question that is asked and then stop. Don't volunteer information.
- Talk loud enough so everybody can hear you. Give an audible answer so the court reporter hears you. Don't chew gum.
- Don't look at the lawyer for help when you're on the stand. You're on your own. You won't get any help from the Judge either.
- Beware of the questions involving distances and time. If you make an estimate make sure that everyone understands that you are estimating.
- Know your name, where you live, how old you are and when you were married, etc.
- Don't fence or argue with the lawyer on the other side. He has a right to question you.

- Don't lose your temper. Lose your temper and you may lose the case. If you lose your temper you have played right into the hands of the other side.
- Be Courteous—Answer "Yes, sir" and "No, sir" and to address the judge as "Your Honor." Let the lawyer make his objection before answering.
- If asked whether you have talked to your lawyer or to an investigator, admit it freely.
- Avoid joking and wise cracks.
- Look the jury in the eye and tell the story. Jurors are naturally sympathetic to the witness and want to hear what he or she has to say.
- If you are a plaintiff in an accident case, be careful not to over-emphasize the caution exercised for your own safety. By the same token, if you are a defendant in an accident case be careful not to over-emphasize the caution exercised for the safety of others. Ordinary care is all that the law requires.
- Give a positive answer when you can. If you were there and know what happened or didn't happen, don't be afraid to "swear" to it. Answer "yes" or "no," then say "yes" or "no."
- Be aware of figures of speech (e.g. "her eyes were like emeralds" or "a straight road" is not a "straight shot.")
- Allow the lawyer to finish the question before you begin your answer. Do not let the lawyer cut off your answer by beginning the next question before you have completed your answer.

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